

Image Not  
Available

# OFFICE OF THE ATTORNEY GENERAL

## THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

Reply to:

Office of the Attorney General  
Division of Economic Crimes  
135 West Central Boulevard, Suite 1000  
Century Plaza  
Orlando, Florida 32801  
(407) 245-0833; Fax (407) 245-0365

CHARLIE CRIST  
*Attorney General  
State of Florida*

April 23, 2003

Dear:

On behalf of forty (40) States and Territories (see exhibit A) hereinafter “the States and Territories”, we write to express our concern with the advertising of sport utility vehicles (hereinafter “SUVs”). This concern was a major focus of our multi-state investigation of Ford Motor Company, which was recently settled.

To resolve the issues being investigated, Ford and the States and Territories entered into a settlement agreement that prohibits certain representations in the advertising of SUVs. We direct your attention to the Agreed Final Judgment filed in Florida, the terms of which are mirrored in judgments filed in each of the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands.

The issues that concern us are not new. In April 1989, the Attorneys General of seven states addressed letters to the major automobile manufacturers in the United States, notifying the manufacturers of the States and Territories’ settlement with American Suzuki Motor Corporation. A copy of the letter is attached for your reference (see exhibit B). As you see, the Attorneys General cited the finding by the National Highway Traffic Safety Administration (NHTSA) that “multi purpose vehicles” (a designation previously used for SUVs) are more likely than passenger cars to roll over, and explained that any blurring of the distinction between multi purpose vehicles and passenger cars would be considered deceptive. Unfortunately, in recent years, many manufacturers have again seriously blurred this distinction in advertisements like those which now trumpet the “car-like” attributes of SUVs.

In addition to this general concern, the States and Territories have two specific concerns with current advertising. First, we believe it is deceptive to state or imply in advertising that SUVs have abundant cargo capacity without informing the consumer that cargo capacity is limited not only by volume, but more importantly for the safety of the passengers, by weight and distribution. As you know, overloading is a significant factor in the cause of numerous single vehicle SUV rollover incidents resulting in death and/or serious injury.

Second, we are concerned with any advertising that purports to convey the emergency handling capabilities of SUVs. Suggesting or implying that any SUV can safely execute emergency avoidance maneuvers at high speeds is both misleading and dangerous.

Statistical data developed by the NHTSA has demonstrated that SUVs are three times more likely to roll over than passenger cars.

The States and Territories by this letter wish to make all SUV manufacturers aware that it may be a deceptive or unfair act or practice to advertise SUVs in a manner that:

- 1) blurs the handling distinction between SUVs and passenger cars,
- 2) touts cargo volume without explaining the safe weight limitations of SUVs, and/or
- 3) exaggerates high speed abrupt maneuver/emergency avoidance handling capabilities.

Consumers are entitled to full, fair, and honest information in order to make informed decisions when considering whether to purchase SUVs. We believe that the failure to disclose this material information, or to wait until after the sale to disclose it, constitutes a deceptive and unfair trade practice under most state consumer laws.

The States and Territories suggest that you review your SUV advertising in light of the settlement agreement with Ford Motor Company and urge that you comply with the spirit and the terms of the Ford agreement. In particular, as the agreement envisions, the States and Territories do not sanction "limit advertising" that, in its totality, depicts the unsafe operation of an SUV. A copy of the Florida Agreed Final Judgment has been attached for your convenience (see exhibit C). In particular, we direct your attention to Sections 5 and 6 (Injunctive Relief) and 11 (Undertakings and Acknowledgments) of the Agreed Final Judgment.

We will, of course, continue to monitor and evaluate the advertising of SUVs closely as each of the States and Territories is committed to the enforcement of its advertising laws and the health and safety of consumers.

April 23, 2003  
Page Three

Your serious attention in this matter is advised.

Sincerely,

Charlie Crist  
Florida Attorney General

Richard Blumenthal  
Connecticut Attorney General

Thurbert Baker  
Georgia Attorney General

Lisa Madigan  
Illinois Attorney General

Tom Miller  
Iowa Attorney General

Paul Summers  
Tennessee Attorney General

Greg Abbott  
Texas Attorney General

Christine Gregoire  
Washington Attorney General